

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÀHI • LIEUTENANT GOVERNOR

**Via Hand Delivery
and E-mail: speaker@guamlegislature.org**

March 28, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-07

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

EXECUTIVE ORDER NO. 2020-07:
RELATIVE TO ESTABLISHING A MORATORIUM ON
EVICTIONS, CLARIFYING PRICE GOUGING PROHIBITIONS,
AND PROVIDING FOR TELEPHONIC PARTICIPATION IN
PUBLIC MEETINGS

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

A handwritten signature in black ink, appearing to read "Sophia Santos Diaz".

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-07

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-07

**RELATIVE TO ESTABLISHING A MORATORIUM ON EVICTIONS,
CLARIFYING PRICE GOUGING PROHIBITIONS, AND PROVIDING FOR
TELEPHONIC PARTICIPATION IN PUBLIC MEETINGS**

WHEREAS, On March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided to me by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam, due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, three additional executive orders have been issued to mitigate the spread of COVID-19 by mandating social-distancing policies, standing up the COVID-19 Unified Response Effort Action Team, and limiting business, government and commercial activity to essential functions; and

WHEREAS, a substantial segment of Guam's community has been adversely affected by closures and reduced work hours; and

WHEREAS, on March 18, 2020, the United States Department of Housing and Urban Development ("HUD") announced, in an effort to provide immediate relief to renters and homeowners, will temporarily suspend all foreclosures and evictions; and

WHEREAS, pursuant to Administrative Order No. ADM20-210 of the Supreme Court of Guam, the Superior and Supreme Courts of Guam have limited operations in an effort to slow the spread of the COVID-19 on our island.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, I Maga'hågan Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

- 1. EXTENSION OF EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** The prohibition on activity in places of business or other public accommodation set out in Item 2 of Executive Order No. 2020-05 shall remain in effect through April 13, 2020.
- 2. MORATORIUM ON FORECLOSURE AND EVICTION PROCEEDINGS.** In accordance with Administrative Order ADM20-210 issued by the Supreme Court of Guam, it is hereby ordered that no eviction or foreclosure actions or proceedings involving real estate or property, whether rental or otherwise, may be initiated between the period of the date of this Executive Order until the public health emergency declared in Executive Order No. 2020-03, or any extension thereof, ends. Any eviction or foreclosure action currently in process shall be tolled for the duration of this public health emergency period, or any extension thereof.



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- a. No provision contained in this Executive Order shall be construed as relieving any individual of their obligations to pay rent, to make mortgage payments, or to comply with any other obligations that an individual may have under a residential rental or mortgage agreement.
 - b. The Guam Housing and Urban Renewal Authority, the Guam Housing Corporation, the CHamoru Land Trust Commission, and any other government of Guam housing authorities are instructed to utilize their full discretion to extend deadlines for housing assistance recipients or applicants to deliver records or documents pertaining to their eligibility for programs during the pendency of this public health emergency or any extension thereof.
 - c. The Department of Revenue and Taxation (“DRT”) is directed to immediately engage with financial institutions to identify any tools, means, or methods that could provide relief from the threat of residential foreclosure.
3. **PRICE GOUGING.** The prohibition on price gouging in effect for the duration of the public health emergency is a price cap. Nothing in this Order or Executive Order No. 2020-03 shall be viewed to prohibit an adjustment to prices as market forces dictate, provided no such adjustment results in an increase in price to any goods, services, or dwelling rentals, including, but not limited to Personal Protective Equipment, which is either in short supply or is anticipated to be in short supply as a result of this public health emergency, or any extension thereof. In particular, items subject to Public Law 35-74, this Order and Executive Order No. 2020-03 shall include, but be not be limited to: thermometers, sanitizing wipes, baby wipes, paper towels, aloe, latex, gloves, fever reducers, cough suppressants, zinc oxide supplements, face masks, rubbing alcohol, toilet paper, and facial tissue.
4. **OPEN GOVERNMENT AND PARTICIPATION IN MEETINGS VIA TELECONFERENCE.** Notwithstanding any other provision of local law, *I Liheslaturan Guåhan* and any government agency, board or commission, is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the body. This allowance shall remain effective for the period of the date of this Executive Order until the public health emergency declared in Executive Order No. 2020-03, or any extension thereof, ends. All requirements in local law expressly or impliedly requiring the physical presence of members, other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- a. bodies notices each teleconference location from which a member will be participating in a public meeting;



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- b. each teleconference location be accessible to the public;
- c. members of the public may address the body each teleconference conference location;
- d. bodies must post agendas at all teleconference locations;
- e. at least one member of the body be physically present at the location specified in the notice of the meeting; and during teleconference meetings,

are hereby suspended, on the conditions that:

- a. While the suspensions articulated in Item 5 of Executive Order No. 2020-06 are in effect, any government entity or agency which holds a meeting for the purpose of conducting public business shall provide public notice by submitting meeting information for posting on the website of the Office of the Attorney General of Guam. Provision of such information to the Office of the Attorney General of Guam shall be made in advance of the scheduled meeting so that there is reasonable time for the posting on the website to occur.
 - b. Consistent with the notice requirement in paragraph (a), each body must notice at least one telephonically or electronically accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by local open government laws, as applicable.
- 5. REQUIRED REPORTING REGARDING REDUCTION IN WORKFORCE OR EMPLOYEE HOURS.** In order to process benefits for affected employees, the Department of Labor ("DOL") shall require employers which have reduced their workforce through employee terminations, layoffs, furloughs or reduction in hours since January 1, 2020 and through the duration of this public health emergency, or any extension thereof, to report such reductions to the DOL in a form prescribed by its Director. Information required shall include, at the minimum, the number of employees adversely affected, the names of such employees, and their wages/salaries immediately prior to the reduction.
- 6. ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order or any of the applicable provisions of Executive Order Nos. 2020-03, 2020-04, 2020-05 or 2020-06, may be subject to fines and/or, in the case of businesses, the termination of business licenses. The Department of Public Health and Social Services ("DPHSS"), DOL, and DRT may issue guidance relative to this Order. DPHSS, DOL, and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department.



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7. **SEVERABILITY.** If any provision of this executive order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 28th day of **March 2020**.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam

